



BLEAKLEY PLATT & SCHMIDT, LLP

ONE NORTH LEXINGTON AVENUE

WHITE PLAINS, NEW YORK 10601

914.949.2700

FAX: 914.683.6956

BPSLAW.COM

Adam Rodriguez
(914) 287-6145
ARodriguez@bpslaw.com

January 3, 2019

Hon. George B. Daniels
U.S. District Court
Southern District of New York
500 Pearl Street, Room 1310
New York, NY 10007

Re: *Request for Adjournment - Estate of Meimaris, et al. v. Royce, et al., 18-cv-4363*

Dear Judge Daniels:

This office represents Defendants Joseph E. Royce and Lawrence A. Blatte in this matter. I write further to the voice mail message we received yesterday from Your chambers, and with the consent of co-Defendants Tulio Prieto, TBS Shipping Services Inc., and Guardian Navigation Services Inc. to respectfully request that the Initial Pre-Trial Conference, which is currently scheduled for January 9, 2019, be adjourned. The Initial Pre-Trial Conference in this matter was originally scheduled for August 1, 2018, but was adjourned twice: first to October 2, 2018, and then to January 9, 2019. (ECF Nos. 20, 57, 78.)

This matter has been referred to Magistrate Judge Moses for “general pre-trial management, including dispositive motions.” (ECF No. 46.) Since the referral, all of the Defendants who have appeared in this matter have filed motions to dismiss the Third Amended Complaint. These motions are currently *sub judice* before Judge Moses. As is clearly set forth in those submissions (ECF Nos. 71, 73, 76, 95-97), there are significant, substantive deficiencies with the Third Amended Complaint that cannot be cured by amendment. These deficiencies include, but are not limited to, the statute of limitations. Thus, the expense and burden of engaging in discovery may never be necessary if the motions are decided in Defendants’ favor, and, with that in mind, the parties in their motions to dismiss also moved for a stay of discovery pending resolution of the motions. Moreover, at least three defendants (Jaime Leroux, Gruposedai and Technisea) have not yet been served with process. (ECF No. 61.) Under such circumstances, discovery could prove to be inefficient and redundant.

Plaintiffs do not consent to this application because they feel that they “need to go in front of Judge Daniels to hopefully move this along, rather than be in limbo. It’s over 2 months since we all filed our papers.”

In view of the foregoing, the Defendants respectfully request that the scheduled January 9, 2019 Initial Pre-trial Conference be adjourned *sine die*. Thank you for your time and attention to this matter.

Respectfully,

BLEAKLEY PLATT & SCHMIDT, LLP

/s/ Adam Rodriguez

Adam Rodriguez

Cc: Counsel of record via ECF